

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

GORDON J. COBURN and
STEVEN E. SCHWARTZ,

Defendants.

Hon. Kevin McNulty

Crim. No. 19-cr-120 (KM-MAH)

**DECLARATION OF JAMES P. LOONAM IN SUPPORT OF
DEFENDANT GORDON J. COBURN'S OMNIBUS MOTIONS *IN LIMINE***

I, JAMES P. LOONAM, declare under penalty of perjury:

1. I am an attorney at the law firm Jones Day, counsel of record for Defendant Gordon J. Coburn in the above-captioned action. I respectfully submit this declaration in support of Defendant Gordon J. Coburn's Omnibus Motions *in Limine*.

2. The information in this declaration is based on my personal knowledge and information and documents related to this case.

3. Attached hereto as Exhibit 1 is a true and correct copy of a document produced by Cognizant Technology Solutions Corporation ("Cognizant") bearing Bates Number CTS_R17_0000101, Cognizant's FCPA, UK Bribery Act and Anticorruption Policy (2011).

4. Attached hereto as Exhibit 2 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004337, summarizing an interview of Gordon Coburn conducted by DLA Piper attorneys Karl Buch, Gray Stratton, and Natasha Kanerva and Goodwinn Procter attorney Brackett Denniston, on August 29, 2016.

5. Attached hereto as Exhibit 3 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004416, summarizing an interview of Srimanikandan Ramamoorthy conducted by DLA Piper attorneys Karl Buch and Christine Liu and Robert Molina from Cognizant, on August 20, 2016.

6. Attached hereto as Exhibit 4 is a true and correct copy of a document produced by the government bearing Bates Number CTS-0006261.

7. Attached hereto as Exhibit 5 is a true and correct copy of a document produced by the government bearing Bates Number CTS-0011196.

8. Attached hereto as Exhibit 6 is a true and correct copy of a document produced by the government bearing Bates Number CTS-0011204.

9. Attached hereto as Exhibit 7 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004414, summarizing an interview of Srimanikandan Ramamoorthy conducted by DLA Piper attorneys Karl Buch and Christine Liu and Robert Molina, Steven Schwartz, and Dana Gilbert from Cognizant, on August 8, 2016.

10. Attached hereto as Exhibit 8 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004363, summarizing an interview of Steven Schwartz conducted by DLA Piper attorneys Karl Buch and Gray Stratton and Goodwin Procter attorney Brackett Denniston, on September 23, 2016.

11. Attached hereto as Exhibit 9 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004324, summarizing an interview of Steven Schwartz conducted by DLA Piper attorneys Karl Buch, Gray Stratton, and Natasha Kanerva and Goodwin Procter attorney Brackett Denniston, on August 28, 2016.

12. Attached hereto as Exhibit 10 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-302-00000046, summarizing an interview of Dana Gilbert conducted by the Federal Bureau of Investigation (“FBI”) on October 5, 2017.

13. Attached hereto as Exhibit 11 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-302-00000058, summarizing an interview of Dana Gilbert conducted by the FBI on August 7, 2018.

14. Attached hereto as Exhibit 12 is a true and correct copy of a document produced by the government bearing Bates Number CTS-0100421.

15. On August 1, 2023, Defendants received a letter from the government representing that it “intends to proceed on a circumvention of internal accounting controls theory” with respect to Counts One and Twelve of the Indictment.

16. Attached hereto as Exhibit 13 is a true and correct copy of a document produced by the government bearing Bates Number CTS-0100426.

17. Attached hereto as Exhibit 14 is a true and correct copy of a document produced by the government bearing Bates Number CTS-0100427.

18. Attached hereto as Exhibit 15 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-CTS-LTR-00000008, a declination letter from the United States Department of Justice (“DOJ”) to Cognizant, dated February 13, 2019.

19. Attached hereto as Exhibit 16 is a true and correct copy of Cognizant’s 2014 Definitive Proxy Statement.

20. Attached hereto as Exhibit 17 is a true and correct copy of Cognizant’s 2015 Definitive Proxy Statement.

21. Attached hereto as Exhibit 18 is a true and correct copy of a document produced by the government bearing Bates Number CTS-0000123.

22. Attached hereto as Exhibit 19 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004438, summarizing an

interview of Dana Gilbert conducted by DLA Piper attorneys Karl Buch and Gray Stratton on August 28, 2016.

23. Attached hereto as Exhibit 20 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004423, summarizing an interview of Dana Gilbert conducted by DLA Piper attorneys Karl Buch and Natasha Kanerva and Robert Molina from Cognizant, on August 21, 2016.

24. Attached hereto as Exhibit 21 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-DSOUZA-00000001, a document prepared by Richards Kibbe & Orbe LLP for an October 4, 2017 meeting with the DOJ and United States Securities and Exchange Commission.

25. Attached hereto as Exhibit 22 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0005515.

26. Attached hereto as Exhibit 23 is a true and correct copy of a document produced by Cognizant bearing Bates Number CTS_R17_0004320, summarizing an interview of Francisco D'Souza conducted by DLA Piper attorney Karl Buch and Robert Molina from Cognizant, on August 21, 2016.

27. Attached hereto as Exhibit 24 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-302-00000021, summarizing an interview of Francisco D'Souza conducted by the FBI on October 4, 2017.

28. Attached hereto as Exhibit 25 is a true and correct copy of an email sent by Dustin Gant to James P. Loonam *et al.* on April 5, 2023.

29. Attached hereto as Exhibit 26 is a true and correct copy of a letter sent by James P. Loonam to the United States Department of State on March 8, 2023.

30. Attached hereto as Exhibit 27 is a true and correct copy of an email sent by James P. Loonam to Dustin Gant *et al.* on July 26, 2023.

31. Attached hereto as Exhibit 28 is a true and correct copy of an email sent by Dustin Gant to James P. Loonam *et al.* on April 4, 2023.

32. Attached hereto as Exhibit 29 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-302-00000192, summarizing an interview of Ramesh Vadivelu conducted by the FBI on May 17, 2018.

33. Attached hereto as Exhibit 30 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-302-00000078, summarizing an interview of Srimanikandan Ramamoorthy conducted by the FBI on February 7, 2017.

34. Attached hereto as Exhibit 31 is a true and correct copy of the government notes of a proffer provided by counsel for Ramasamy Nakkiran, Balaji Subramanian, and Ramesh Vadivelu.

35. Attached hereto as Exhibit 32 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-302-00000152, summarizing an interview of Balaji Subramanian conducted by the FBI on May 21, 2018.

36. Attached hereto as Exhibit 33 is a true and correct copy of a document produced by the government bearing Bates Number DOJ-302-00000144, summarizing an interview of S.N. Subrahmanyam conducted by the FBI on May 21, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 3, 2023

/s/ James P. Loonam
JAMES P. LOONAM